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April 14, 2016

**VIA ECF AND ELECTRONIC MAIL TO  
bernstein.chambers@nysb.uscourts.gov**

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (SMB), *Picard v. RAR Entrepreneurial Fund, Ltd., et al.*, Adv. Pro. No. 10-04352 (SMB), *Picard v. Carol Nelson*, Adv. Pro. No. 10-04377 (SMB), *Picard v. Carol Nelson, et al.*, Adv. Pro. No. 10-04644 (SMB), *Picard v. Dusek*, Adv. Pro. No. 10-04658 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, Esq., the Trustee for the substantively consolidated SIPA liquidation proceedings of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We write in connection with movants RAR Entrepreneurial Fund, Ltd., Russell Oasis, Carol Nelson, individually and as joint tenant, Stanley Nelson, individually and as joint tenant, and Russell L. Dusek's (collectively, "Movants") motion for leave to appeal the "Order Implementing the Court's March 17, 2016 Bench Ruling Granting Protective Order" (the "Discovery Order") (ECF No. 12912).

This Court entered the Discovery Order on March 18, 2016. On March 31, 2016, on behalf of Movants, Chaitman LLP filed the Motion for Leave to Appeal the Order and a Notice of Appeal (the "Motion for Leave") (ECF No. 13010).

Although the Motion for Leave was filed with the Bankruptcy Court, it has not been transmitted to the District Court. It appears that Movants failed to file the requisite civil cover sheet, as required by the Bankruptcy Court's Procedural Guidelines and Policies on Appeals. Because the Motion for Leave has not yet been transmitted to the District Court, the Trustee filed his opposition to the Motion for Leave in the Bankruptcy Court today. The Trustee will take appropriate steps to refile the opposition with the District Court after the Motion for Leave is transmitted there.

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The Securities Investor Protection Corporation (“SIPC”) has authorized the Trustee to represent to the Court that SIPC will also file its opposition in the Bankruptcy Court.

Respectfully submitted,

*/s/ Amy E. Vanderwal*

cc (via email):

David J. Sheehan

Kevin H. Bell

Helen Davis Chaitman